

RESOLUTION NO. 2011-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD AMENDMENTS TO THE SEDONA LAND DEVELOPMENT CODE, ARTICLES 2, 6, AND 9, RELATING TO MEDICAL MARIJUANA FACILITIES UNDER THE "ARIZONA MEDICAL MARIJUANA ACT" OF 2010.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that amendments to the Sedona Land Development Code, Articles 2, 6, and 9, relating to medical marijuana facilities as set forth in proposed Ordinance 2011-02, and incorporated herein as **Exhibit A**, "*Proposed Amendments to the Sedona Land Development Code Related to Medical Marijuana Facilities*", constitutes a public record to be adopted by reference pursuant to ARS §9-802.

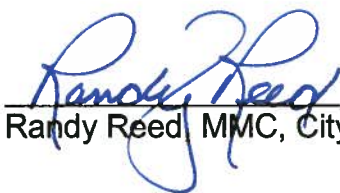
At least three (3) copies of this public record shall be filed in the office of the City Clerk and kept available for public use and inspection.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 8<sup>th</sup> day of February, 2011.



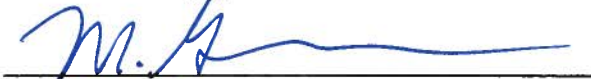
Rob Adams, Mayor

ATTEST:



Randy Reed, MMC, City Clerk

APPROVED AS TO FORM:



Mike Goimarac, City Attorney

## ***Exhibit A to Resolution 2011-03***

### **Proposed Amendments to the Sedona Land Development Code Related to Medical Marijuana Facilities**

#### **1. Article 2 - Section 201: Definitions**

##### ***Add the following Definitions:***

***Medical Marijuana Designated Caregiver Cultivation.*** Cultivation of medical marijuana by a designated caregiver defined in ARS §36-2801.5, who has been authorized to cultivate marijuana plants for a qualifying patient(s) medical use pursuant to ARS §36-2801.1, §36-2804.02 and §36-2804.04. Medical Marijuana Designated Caregiver and Qualifying Patient Cultivation are prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary.

***Medical Marijuana Dispensary.*** A non-profit entity defined in The Arizona Medical Marijuana Act A.R.S. §36-2801.11, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients, caregivers or dispensary agents defined in A.R.S. §36-2801.2. A dispensary may also include a medical marijuana infusion facility.

***Medical Marijuana Dispensary Offsite Cultivation Location.*** Means the one additional location, if any, where marijuana may be cultivated for the use of a Medical Marijuana Dispensary as disclosed pursuant to The Arizona Medical Marijuana Act A.R.S. §36-2804. B.1.b.ii.

***Medical Marijuana Infusion Facility.*** A facility that incorporates medical marijuana by means of cooking, blending or incorporation into consumable/edible goods.

***Medical Marijuana Qualifying Patient Cultivation.*** Means cultivation of medical marijuana by a qualifying patient defined in ARS §36-2801.13. who is authorized to cultivate marijuana plants pursuant to the provisions of ARS §36-2801.1, §36-2804.02 and §36-2804.04. Medical Marijuana Designated Caregiver and Qualifying Patient cultivation is prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary.

#### **2. Article 6 - District Regulations: Sections 620, 621, and 622**

***Add the following to sections 620.02A, 621.02A, 622.02A (C-1, C-2, C-3 – Use Regulations - Permitted Uses and Structures for General Commercial and Heavy Commercial/Light Manufacturing Zoning Districts):***

\_\_\_ Medical Marijuana Dispensary, subject to Section 919.

\_\_\_ Medical Marijuana Dispensary Offsite Cultivation Location, subject to Section 919.

### **3. Article 9: Development Standards**

#### ***Add the following new Section 919:***

Section 919: Uses Related to the Dispensing and Cultivation of Medical Marijuana.

- A. The minimum requirements of this section shall apply to all medical marijuana dispensary and medical marijuana dispensary offsite cultivation location uses where permitted in the C-1, C-2 and C-3 commercial districts. Medical Marijuana Designated Caregiver and Qualifying Patient Cultivation are prohibited in all zoning districts if located within 25 miles of a medical marijuana dispensary. All of these uses must at all times comply with Arizona Department of Health Services regulations as they may be promulgated or modified.
- B. In addition to the application requirements of Section 401 (Development Review), applicants for any medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall provide the following:
  - 1. Names and locations of the medical marijuana dispensary and the medical marijuana dispensary off-site cultivation location (if any) associated with the dispensary.
  - 2. Copy of the operating procedures adopted in compliance with A.R.S. §36-2804 B.1. (c).
  - 3. Proof of a valid registration certificate(s) and identification number(s) from the Arizona Department of Health Services for the dispensary and associated board members and dispensary agents in compliance with A.R.S. §36-2804 A. and B.
  - 4. A floor plan showing the location dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana dispensary off-site cultivation location will be secured, enclosed and locked as required by law.

5. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary, or medical marijuana dispensary off-site cultivation location to the property boundary of the parcel containing any existing uses listed in paragraph D. below. If any of the uses are located within 50 feet of the minimum separation, the drawing showing the actual surveyed separation shall be prepared by a registered land surveyor.
- C. A medical marijuana dispensary or medical marijuana dispensary off-site cultivation location shall:
1. Be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. "*Building*" shall have the same meaning as provided in Article 2, Section 201 (Definitions). Medical marijuana dispensary and cultivation locations shall comply with all building safety requirements and be secured in compliance with A.R.S. §36-2806.C. and 2806.E.
  2. Provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.
  3. Not have drive-through service
  4. Not have outside vending machines
- D. A medical marijuana dispensary or medical marijuana dispensary off-site cultivation location shall be at least 500 feet from the following existing uses, measured in a straight line from the nearest property line to nearest property line.
1. Educational Institutions
  2. Religious Institutions, Churches and Places of Worship
  3. Parks and Recreational Facilities
  4. Day Care Facilities
  5. Public Library
  6. Youth or Teen Center
- The location by one of these uses after the dispensary is approved and in operation will not cause the dispensary to be in violation of this provision, nor prevent its license renewal application to the Arizona Department of Health Services.
- E. A medical marijuana dispensary may include cultivation as part of the dispensary, on the same site as the dispensary. A medical marijuana dispensary off-site cultivation location not associated with a medical marijuana dispensary is prohibited. Only one medical marijuana dispensary

off-site cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.

- F. A medical marijuana infusion facility shall only be permitted within a medical marijuana dispensary.
- G. A medical marijuana dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.